

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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HEALTHPOINT, LTD.,
DPT LABORATORIES, LTD. and
DFB PHARMACEUTICALS, INC.
Plaintiffs

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CIVIL ACTION NO. SA-01-CA-0646 OG

v.

ETHEX CORPORATION and
KV PHARMACEUTICALS, INC.
Defendants

AGREED MOTION TO DISMISS WITH PREJUDICE

TO THE HONORABLE JUDGE GARCIA:

Healthpoint, Ltd., DFB Pharmaceuticals, Inc., and DPT Laboratories, Ltd. (collectively, "Plaintiffs") and Defendants Ethex Corporation and KV Pharmaceutical Company (collectively, "Defendants") file this Agreed Motion to Dismiss with Prejudice under Federal Rule of Civil Procedure 41(a)(1)(ii).


The Parties ask the Court to dismiss, with prejudice, any and all claims, asserted or unasserted, relating to the subject matter of this lawsuit between and among the Parties because the Parties have reached a compromise settlement agreement, which resolves all matters in dispute in this matter.

WHEREFORE, the Parties respectfully request the Court to enter an Order dismissing this case with prejudice, with each party to bear its own costs.

176

AGREED AND APPROVED:

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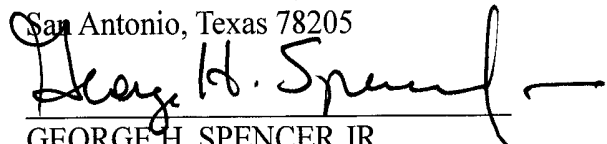
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